

## PATENT

I hereby certify that on the date specified below, this correspondence is being faxed to the Refund Branch, Accounting Division, Office of Finance, Commissioner for Patents, 571-273-6500.

March 28, 2007 Denise Sheridan  
Date Denise Sheridan

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,520

Confirmation No. : 6540

Applicant : Joseph M. Jeddeloh

Filed : February 5, 2004

Attorney Docket No.: 33583/US

Art Unit : 2188

Customer No. : 27,076

Examiner : Duc T. Doan

Title : SYSTEM AND METHOD FOR ARBITRATION OF MEMORY RESPONSES IN A  
HUB-BASED MEMORY SYSTEM (AS AMENDED)REQUEST FOR REFUND

Refund Branch  
Accounting Division  
Office of Finance  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We request that the Patent and Trademark Office refund \$1020, which was paid on February 26, 2007. On January 5, 2007, Applicant learned of a Final Rejection dated and mailed on August 21, 2006. Applicant never received the Final Rejection. On January 19, 2007, Applicant filed a petition, with the required fee of \$130, to reset the response period. The petition was received on January 24, 2007.

The final response date for the Final Rejection was February 21, 2007. Since the petition had not been acted upon by the same date, Applicant filed his response with the Request for Continued Examination on February 21, 2007, along with the required extension fees of \$1020, to avoid abandonment of the application.

Two days later on February 23, 2007, the petition to reset the response date was granted. Therefore, Applicant respectfully requests that the extension fees of \$1020 be refunded by crediting Deposit Account No. 50-1266, referencing Docket No. 33583/US.

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Enclosed for review is a copy of the return postcard, confirming our check was received by the Patent and Trademark Office, a copy of check number 016285 in the amount of \$1810 submitted on February 21, 2007, and a copy of the original Fee Transmittal Sheet. Also enclosed is a copy of the Decision on Petition.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward W. Bulchis  
Registration No. 26,847

Enclosures:

Copy of Return Postcard  
Copy of Check No. 016285  
Copy of original Fee Transmittal Sheet  
Copy of Decision of Petition

1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101  
Tel: (206) 903-8800  
Fax: (206) 903-8820

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Edward W. Bulchis  
Dorsey & Whitney, L.L.P.  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101

**MAILED**

FEB 23 2007

Technology Center 2100

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FEB 26 2007

DORSEY &amp; WHITNEY LLP

In re Application of: Joseph M. Jeddeloh

Application No. 10/773520

Attorney Docket No. 33583/US

Filed: February 5, 2004

For: Arbitration System Having a Packet  
Memory and Method for Memory Responses  
in a Hub-Based Memory System

**DECISION ON PETITION****DOCKETED**April 24, 2007

This is a decision on the petition filed on January 24, 2007, requesting that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **GRANTED**.**Applicable Prosecution History**

|              |  |
|--------------|--|
| Mar 29, 2006 | First action on the merits mailed to address above   |
| Jun 12, 2006 | Amendment filed (Address on correspondence same as above)  |
| Aug 21, 2006 | Final rejection mailed to address above  |
| Jan 5, 2007  | Applicant downloaded action from PAIR  |
| Jan 24, 2007 | Instant Petition filed (Address on correspondence same as above)<br>Certificate of Mailing sets date of Petition as Jan 19, 2007 |

**RELIEF REQUESTED**

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from Jan 5, 2007, the date on which the Office communication was actually received at the correspondence address of record.

Application SN10/773,520  
Decision on Petition

### OPINION

Petitioner asserts that the Office communication (Final Rejection) mailed on August 21, 2006 was not received by applicants, and states the following:

1. A substantial portion of the response period for response has elapsed on the date of receipt of action
2. Mr. Bulchis discovered on Jan. 5, 2007 that the office action (Final Rejection mailed Aug. 21, 2006) was entered in this application via the PAIR system
3. Upon discovery of the above office action, a search of the file jacket and the docket records was performed, and no entry for the office action was found.
4. Petitioner has attached a copy of pertinent mail log of incoming mail at the law firm, and a copy of the docket record for the instant application.

### ANALYSIS

In the absence of any apparent irregularity associated with the mailing of a communication, the Office presumes that the communication was properly mailed to practitioner at the address of record. This presumption, however, may be overcome by showing that office action (Final Rejection mailed Aug. 21, 2006) was not in fact received at the address of record.

According to MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

- a) a statement from the practitioner that the Office action was not received,
- b) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates the Office communication was not received,
- c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed, and
- d) a reference to the docket record in the practitioner's statement.

The petition filed on January 24, 2007, is in compliance with the above-stated requirements.

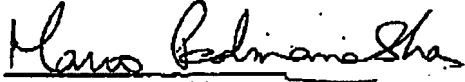
Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on 05 January 2007. The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt.

The Petition is GRANTED.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on 21 August 2006 is hereby reset to run FROM THE RECEIPT DATE OF 05 January 2007.

*Application SN10/773,520*  
*Decision on Petition*

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.



Mano Padmanabhan

Quality Assurance Specialist,  
Technology Center 2100, Work Group 2180



2007 APR -2 Fri 4:59

**FAX COVER SHEET**

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| <b>DATE:</b> March 28, 2007 |   | <b>TOTAL # OF PAGES:</b><br>(INCLUDING THIS COVER SHEET) 9 |                                   |
| <b>TO:</b>                  | <b>PTO</b><br>Refund Branch, Accounting Division,<br>Office of Finance,<br>Commissioner for Patents | <b>FAX #:</b>  | <b>(571) 273-6500</b>             |
| <b>FIRM NAME:</b>           |   | <b>PHONE #:</b>  | <b>(571)</b>                      |
| <hr/>                       |   |  |                                   |
| <b>FROM:</b>                | <b>Denise Sheridan</b>  | <b>FAX #:</b>  | <b>(206) 903-8820</b>             |
| <b>PHONE #:</b>             | <b>(206) 903-5455</b>   | <b>EMAIL:</b>  | <b>sheridan.denise@dorsey.com</b> |
| <b>RE:</b>                  | <b>Dorsey Docket No.: 33583/US</b>  | <b>Dorsey Billing No.:</b>                                 | <b>446602-2121</b>                |

**COMMENTS:****ATTACHED PLEASE FIND THE FOLLOWING:**

|   | <u>No. Pages</u> |
|---|------------------|
| Request for Refund                                    | 2                |
| Copy of return postcard                               | 1                |
| Copy of check no. 016285                              | 1                |
| Copy of original fee transmittal sheet                | 1                |
| Copy of Decision on Petition                          | 3                |
| <b>Total Number of Pages (including cover sheet):</b> | <b>9</b>         |

**Original will not be sent**

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PLEASE CONTACT PHOEBE E. POGSON AT (206) 903-8785 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

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33583/US  
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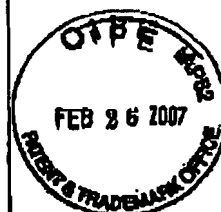
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SENT: February 21, 2007

DUE: February 21, 2007

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing.

Date Stamp



Check; Fee Transmittal Sheet (+ copy); Request for Continued Examination; Response Under 37 C.F.R. § 1.116; IDS; Form PTO-1449 with (1) cited reference in re: Joseph M. Jeddeloh, USAN 10/773,520, filed February 5, 2004, for SYSTEM AND METHOD FOR ARBITRATION OF MEMORY RESPONSES IN A HUB-BASED MEMORY SYSTEM (AS AMENDED).

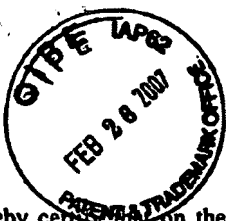
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DORSEY & WHITNEY LLP

|  |                      |  |                        |
|--|----------------------|--|------------------------|
| Effective on 12/08/04<br><br><b>FEE TRANSMITTAL SHEET</b><br><b>(FY 2006)</b>  |                      | <b>Complete If Known</b>   |                        |
|  |                      | Application No.  | 10/773,520             |
|  |                      | Filing Date  | February 5, 2004       |
|  |                      | First Inventor   | Joseph M. Jeddleoh     |
|  |                      | Group Art Unit   | 2188                   |
|  |                      | Examiner Name  | Duc T. Doan            |
| <input type="checkbox"/> Applicant claims small entity status (see 37 C.F.R. 1.27)   |                      | Atty. Docket Number  | 33583/US               |
| <b>METHOD OF PAYMENT (Check One)</b>   |                      | <b>FEE CALCULATION (Continued)</b>   |                        |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP.  |                      | <b>3. ADDITIONAL FEES</b>  |                        |
| <input checked="" type="checkbox"/> Check Enclosed.  |                      | Large<br>Entity<br>Fee   | Small<br>Entity<br>Fee |
| <b>Extra Claim Fees</b>  |                      |  |                        |
| Current Claims   | Prior                | Extra  | Fee                    |
| Total 37   | 37                   | 0  | x \$ 50 = \$ 0         |
| Ind. 6   | 6                    | 0  | x \$ 200 = \$ 0        |
| Multiple Dependent Claims  |                      | x  | \$ = \$                |
| Subtotal (Extra Claims)  |                      | \$ 0   |                        |
| <b>Petition Fee Under 37 CFR 1.17(f), (g), &amp; (h)</b>   |                      |  |                        |
| Enclosed is a Petition filed under 37 CFR as indicated below:  |                      |  |                        |
| <input type="checkbox"/> Petition Fee under 37 CFR 1.17(f) <span style="float: right;">Fee \$400</span>  |                      |  |                        |
| § 1.53(e) to accord a filing date.<br>§ 1.57(a) to accord a filing date.<br>§ 1.162 for decision on a question not provided for.<br>§ 1.163 to suspend the rules.<br>§ 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.<br>§ 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.  |                      |  |                        |
| <input type="checkbox"/> Petition Fee under 37 CFR 1.17(g) <span style="float: right;">Fee \$200</span>  |                      |  |                        |
| § 1.12 for access to an assignment record.<br>§ 1.14 for access to an application.<br>§ 1.47 for filing by other than all inventors or person not the inventor.<br>§ 1.59 for expungement of information.<br>§ 1.103(a) to suspend action in an application.<br>§ 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.<br>§ 1.265 for review of refusal to publish a statutory invention registration.<br>§ 1.298 to withdraw a req. for pub. after notice of intent to publish issued.<br>§ 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.<br>§ 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings.<br>§ 1.958 for request for ext. of time in <i>ex parte</i> reexam. proceedings.<br>§ 5.12 for expedited handling of foreign filing license.<br>§ 5.15 for changing the scope of a license.<br>§ 1.625 for retroactive license. |                      |  |                        |
| <input type="checkbox"/> Petition Fee under 37 CFR 1.17(h) <span style="float: right;">Fee \$130</span>  |                      |  |                        |
| § 1.19(g) to request documents in a form other than provided in this part.<br>§ 1.64 for accepting color drawings or photographs.<br>§ 1.91 for entry of a model or exhibit.<br>§ 1.102(d) to make an application special.<br>§ 1.136(c) to expressly abandon an application to avoid publication.<br>§ 1.313 to withdraw an application from issue.<br>§ 1.314 to defer issuance of a patent.   |                      |  |                        |
|  |                      | <b>OTHER FEE (specify)</b>   |                        |
|  |                      | <b>Subtotal (Additional Fees)</b>  |                        |
|  |                      | <b>Total Amount of Payment:</b>  |                        |
|  |                      | \$1810   |                        |
| Submitted by:  |                      |  |                        |
| CUSTOMER NUMBER<br><b>27,076</b>   | DORSEY & WHITNEY LLP | 1420 Fifth Avenue, Suite 3400<br>Seattle, WA 98101-4010<br>(206) 903-8800 phone / (206) 903-8820 fax |                        |
| Name: Edward W. Bulchis  |                      | Reg. No.: 26,847   |                        |
| Signature: <i>Edward W. Bulchis</i>  |                      | Date: 2/20/07  |                        |

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**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE - EXAMINING GROUP 2100**

**PATENT**

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 21, 2007  
Date

Denise Sheridan  
Denise Sheridan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |                               |
|---|-------------------------------|
| Appl. No. : 10/773,520  | Confirmation No. : 6540       |
| Applicant : Joseph M. Jeddeloh  |                               |
| Filed : February 5, 2004  | Attorney Docket No.: 33583/US |
| Art Unit : 2188   | Customer No. : 27,076         |
| Examiner : Duc T. Doan  |                               |
| Title : SYSTEM AND METHOD FOR ARBITRATION OF MEMORY RESPONSES IN A HUB-BASED MEMORY SYSTEM (AS AMENDED) |                               |

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**RESPONSE UNDER 37 C.F.R. § 1.116**

Sir:

Applicant herewith petitions the Commissioner for Patents under 37 C.F.R. § 1.136(a)(3) for a 3-month extension of time for filing the response to the Office Action dated August 21, 2006, from November 21, 2006, to February 21, 2007. Submitted herewith is a check in the amount of \$1810, which includes \$1020 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-1266. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 11 of this paper.

02/27/2007 LWONDIN1 00000038 10773520

02 FC:1253

1020.00 OP

Adjustment date: 04/23/2007 SDIRET01  
02/27/2007 LWONDIN1 00000038 10773520  
02 FC:1253 -1020.00 OP

Renln. Ref: 04/23/2007 SDIRET01 0013115100  
DAH:501266 Name/Number:10773520  
FC: 9204 \$1020.00 CR